

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Dixie Lynn Oxendine

Docket No. 7:09-CR-1-3H

Petition for Action on Supervised Release

COMES NOW Henry Ponton, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Dixie Lynn Oxendine, who, upon an earlier plea of guilty to Interference with Commerce by Robbery and Aiding and Abetting in violation of 18 U.S.C. §§1951 and 2 and Use of a Firearm in Furtherance of a Crime of Violence and Aiding and Abetting in violation of 18 U.S.C. §§924(c)(1)(A) and 2, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on October 13, 2009, to the custody of the Bureau of Prisons for a term of 84 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Dixie Lynn Oxendine was released from custody on March 25, 2015, at which time the term of supervised release commenced. On July 13, 2016, a violation report was submitted to the court reporting that the defendant was associating with a known felon, John Outen, as well as drinking alcohol in excess. The defendant was informed if these behaviors continued, she would be subject to punitive action. The court agreed to continue supervision.

On August 16, 2016, a petition was submitted to the court advising that the defendant was charged with Assault and Battery on July 19, 2016. At the time of the offense, she was associating with John Outen, a known convicted felon, who she struck in the head with a bottle. The court agreed to modify her conditions of release to include 60 days of location monitoring with a curfew.

On November 7, 2016, a violation report was submitted to the court reporting that the defendant was associating with a known felon, John Outen. This contact occurred in the Middle District of North Carolina, and the defendant did not obtain prior permission to leave the judicial district. The court agreed to continue supervision.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

On February 24, 2017, the defendant tested positive for Oxycodone. She signed an admission form for use of a Percocet that was not legally prescribed to her on February 23, 2017. The defendant was verbally reprimanded.

On March 28, 2017, the defendant was arrested in Richmond County, North Carolina for misdemeanor Communicating Threats (17CR50774). The defendant was with John Paul Outen at the time of the arrest. Mr. Outen is a convicted felon on supervision with the Middle District of North Carolina. The defendant has been previously instructed not to have contact with Mr. Outen. The above listed charge was voluntarily dismissed by the district attorney on May 8, 2017.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision. She remains in individual substance abuse treatment and testing with Reality Counseling in Lumberton, North Carolina. The defendant has been advised that any further contact with Mr. Outen will result in the undersigned officer requesting a revocation warrant from the court.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

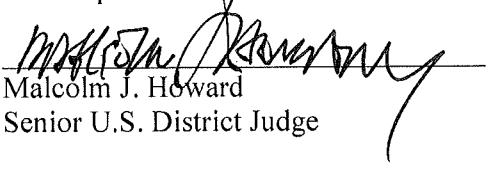
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Henry Ponton
Henry Ponton
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2536
Executed On: May 09, 2017

ORDER OF THE COURT

Considered and ordered this 18th day of May, 2017, and ordered filed and made a part of the records in the above case.


Malcolm J. Howard
Senior U.S. District Judge